



## Special Notice Letter (SNL) & 104(e) Information Request Response Tracking

**South Dayton Dump**  
**WO# B5BN12182014**  
**Contract# EP-S5-14-01**

PRP Name: Bridgestone Americas Tire Operations, LLC (BATO) Date of Response 1: 2/2/2015  
Wactor & Wick LLP (legal counsel) – William D. Wick;  
Respondent Name(s): Hanna, Campbell & Powell, LLP (legal counsel) – David T. Moss Date of Response 2: 3/13/2015

1) Did the PRP request an extension?

Yes.

2) If yes, to Question 1, what was the length of the extension requested?

Extension granted by Thomas Nash until 3/20/15.

3) Has the PRP agreed to participate in formal negotiations with EPA? If no, explain PRP rationale. (Note: Negotiations concluded on April 22, 2015)

BATO does not believe it is liable for any costs associated with the Site, but has stated that

BATO is interested in discussing a resolution of potential liability with EPA. BATO provided

a letter dated May 7, 1980, that lists the sanitary landfills that were used by the company

for disposal of waste from 1956 to 1980. The South Dayton Dump was not listed.

4) Has the PRP prepared a "good faith offer"? If so, what was proposed (i.e. finance RI/FS or conduct RI/FS)?

No.

5) Has the PRP agreed to reimburse EPA for costs incurred to date?

No.

6) **Has the PRP agreed to voluntarily negotiate a consent order?**

No.

7) **Is the PRP part of the steering committee (PRP group)?**

Not stated.

8) **Did the PRP respond to questions posed in Enclosure 6? If yes, please see attached list of questions and summarize PRP responses for each question.**

Yes.

**Notes:**

BATO provided a preliminary statement with the 104(e) response that denied any implication that a waste disposal connection exists with the Site that would trigger liability under the Comprehensive Environmental Response, Comprehensive, and Liability Act and made multiple objections to the Information Request.

## **QUESTIONS**

1. Identify all persons consulted in the preparation of the answers to these questions.

**Response: BATO objects to question, but lists Timothy Bent, Director of Environmental Affairs, and Jane Johnson, Manager of Remediation.**

2. Identify all documents consulted, examined or referred to in the preparation of the answers to these questions, and provide copies of all such documents.

**Response: BATO did not discover any documents or other information from its files that refers or relates to the Site or that tends to indicate that BATO arranged for disposal of hazardous substances at the Site.**

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons. Provide their current, or last known, address, telephone numbers, and e-mail addresses.

**Response: BATO is not aware of any such persons.**

4. Provide names, addresses, telephone numbers, and e-mail addresses of any individuals, including former and current employees, who may be knowledgeable about Respondent's operations and hazardous substances handling, storage and disposal practices.

**Response: BATO did not discover any documents or other information from its files that refers or relates to the Site or that tends to indicate that BATO arranged for disposal of hazardous substances at the Site. In the absence of this evidence, BATO "objects to this request as being overly broad, unduly burdensome, arbitrary and an abuse of discretion."**

5. State the date(s) on which the Respondent sent, brought or moved drums and/or hazardous substances to the South Dayton Dump and Landfill (SDDL) Site and the names, addresses, telephone numbers, and e-mail addresses of the person(s) making arrangements for the drums and/or hazardous substances to be sent, brought or moved to the SDDL Site.

**Response: Same response as Question 4.**

6. Did Respondent haul or send materials to SDDL in vehicles it owned, leased or operated? If yes, during what time periods did this occur? If no, how did Respondent transport materials to SDDL? Identify the hauler(s) and provide the addresses, telephone numbers, and e-mail addresses of these entities.

**Response: Same response as Question 4.**

## **PERMITS/REGISTRATIONS**

7. List all federal, state and local permits and/or registrations and their respective permit numbers issued to Respondent for the transport and/or disposal of materials.

**Response: Same response as Question 4.**

8. Which shipments or arrangements were sent under each permit? If what happened to the hazardous substances differed from what was specified in the permit, please state, to the best of your knowledge, the basis or reasons for such difference.

**Response: Same response as Question 4.**

9. Were all hazardous substances transported by licensed carriers to hazardous waste Treatment Storage and Disposal Facilities permitted by the U.S. EPA?

**Response: Same response as Question 4.**

10. List all federal, state and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of wastes.

**Response: Same response as Question 4.**

11. Does your company or business have a permit or permits issued under Resource Conservation and Recovery Act? Does it have or has it ever had, a permit or permits under the hazardous substance laws of the State of Ohio? Does your company or business have an EPA Identification Number, or an identification number supplied by the State Environmental Protection Agency? Supply any such identification number(s) your company or business has.

**Response: Same response as Question 4.**

12. Identify whether Respondent ever filed a Notification of Hazardous Waste Activity with the EPA or the corresponding agency or official of the State of Ohio, the date of such filing, the wastes described in such notice, the quantity thereof described in such notice, and the identification number assigned to such facility by EPA or the state agency or official.

**Response: Same response as Question 4.**

**RESPONDENT'S DISPOSAL/TREATMENT/STORAGE/RECYCLING/SALE OF  
WASTE (INCLUDING BY-PRODUCTS)**

13. Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes). Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management. For each individual identified in response to this question provide the current or most recent known address, telephone number and email address.

**Response: Same response as Question 4.**

14. Describe the containers used to take any type of waste from Respondent's operation, including but not limited to:

- a. the type of container (e.g., 55 gal. drum, dumpster, etc.);
- b. the colors of the containers;
- c. any distinctive stripes or other markings on those containers;
- d. any labels or writing on those containers (including the content of those labels);
- e. whether those containers were new or used; and
- f. if those containers were used, a description of the prior use of the containers.

**Response: Same response as Question 4.**

15. For any type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling. Provide copies of all documents relating to the transportation or disposal of said waste, including correspondence and manifests. Include all correspondence and records of communication between Respondent and Cyril Grillot, Kenneth Grillot, Alcine Grillot, or Horace Boesch, Sr.

**Response: Same response as Question 4, but also states that the plant's primary solid waste transporter during the relevant time period was Industrial Waste Disposal Company, Inc. (IWD). BATO also noted that "[the] Dayton Tire and Rubber Company Facility ceased operations in 1980 and was sold in 1981." BATO attached correspondence with IWD regarding disposal sites, and noted that the Site was not listed in the correspondence.**

16. Provide copies of such contracts and other documents reflecting such agreements or arrangements.

- a. State where Respondent sent each type of its waste for disposal, treatment, or recycling.
- b. Identify all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request).

- c. If Respondent transported any of its wastes away from its operations, please so indicate and answer all questions related to "Waste Carriers" with reference to Respondent's actions.
- d. For each type of waste specify which Waste Carrier picked it up.
- e. For each type of waste, state how frequently each Waste Carrier picked up such waste.
- f. For each type of waste state the volume picked up by each Waste Carrier (per week, month, or year).
- g. For each type of waste state the dates (beginning & ending) such waste was picked up by each Waste Carrier.
- h. Provide copies of all documents containing information responsive to the previous seven questions.
- i. Describe the vehicles used by each Waste Carrier to haul away each type of waste including but not limited to:
  - i. the type of vehicle (e.g., flatbed truck, tanker truck, containerized dumpster truck, etc.);
  - ii. names or markings on the vehicles; and
  - iii. the color of such vehicles.
- j. Identify all of each Waste Carrier's employees who collected Respondent's wastes.
- k. Indicate the ultimate disposal/recycling/treatment location for each type of waste.
- l. Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste.
- m. Describe how Respondent managed pickups of each waste, including but not limited to:
  - i. the method for inventorying each type of waste;
  - ii. the method for requesting each type of waste to be picked up;
  - iii. the identity of (see Definitions) the waste carrier employee/agent contacted for pickup of each type of waste;
  - iv. the amount paid or the rate paid for the pickup of each type of waste;
  - v. the identity of (see Definitions) Respondent's employee who paid the bills; and the identity of (see Definitions) the individual (name or title) and company to whom Respondent sent the payment for pickup of each type of waste.
- n. Identify the individual or organization (i.e., the Respondent, the Waste Carrier, or, if neither, identify such other person) who selected the location where each of the Respondent's wastes were taken.
- o. State the basis for and provide any documents supporting the answer to the previous question.
- p. Describe all wastes disposed by Respondent into Respondent's drains including but not limited to:
  - i. the nature and chemical composition of each type of waste;
  - ii. the dates on which those wastes were disposed;
  - iii. the approximate quantity of those wastes disposed by month and year;
  - iv. the location to which these wastes drained (e.g., on-site septic system, on-site storage tank, pre- treatment plant, Publicly Owned Treatment Works (POTW), etc.); and
  - v. whether and what pretreatment was provided.

- q. Identify any sewage authority or treatment works to which Respondent's waste was sent.
- r. If not already provided, specify the dates and circumstances when Respondent's waste was taken to the SDDL Site, and identify the companies or individuals who brought Respondent's waste to the Site. Provide all documents which support or memorialize your response.

**Response: Same response as Question 15.**

#### **RESPONDENT'S ENVIRONMENTAL REPORTING:**

17. Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.

**Response: Same response as Question 4.**

18. Identify (see Definitions) all federal offices to which Respondent has sent or filed information about hazardous substance or hazardous waste.

**Response: Same response as Question 4.**

19. State the years during which such information was sent/filed.

**Response: Same response as Question 4.**

20. Identify (see Definitions) all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information.

**Response: Same response as Question 4.**

21. State the years during which such information was sent/filed.

**Response: Same response as Question 4.**

22. List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.; Solid Waste and Infectious Waste Regulations, OAC 3745-27 (former rule EP-20); Licenses for Solid Waste, Infectious Waste Treatment, or Construction and Demolition Debris Facilities, OAC 3745-37 (former rule EP-33); Solid and Hazardous Wastes, ORC 3734-01 through 3734-11; Open Burning Standards, OAC 3745-19-03.

**Response: Same response as Question 4.**

23. Identify the federal and state offices to which such information was sent.

**Response: Same response as Question 4.**